

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

EDDIE HUNTER,)	
)	Civil Action No. 06-1023
Plaintiff)	
)	Judge Joy Flowers Conti
vs.)	Magistrate Judge Lisa Lenihan
)	
)	
WILLIAM SCHOUPE, Warden of)	
Beaver County Jail,)	
)	
Defendants)	

MEMORANDUM ORDER

The above captioned case was filed on October 14, 2005, and was referred to Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judge's Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

The Magistrate Judge's Report and Recommendation (Doc. No. 6), filed on October 2, 2006, recommended that the action be dismissed before service, pursuant to the authority granted the Courts by the Prison Litigation Reform Act (PLRA), for failure to state a claim upon which relief can be granted because he failed to show how his access to courts was violated when he had court-appointed counsel for his state PCRA proceedings. Service was made on Plaintiff at the Beaver County Jail. Plaintiff filed objections on October 10, 2006 (Doc. No. 7) complaining about his court-appointed attorney. Such objection does not undermine the conclusion in the Report and Recommendation that Plaintiff has failed to state a claim upon which relief may be granted.

After review of the pleadings and documents in the case, together with the report

and recommendation and objections thereto, the following order is entered:

AND NOW, this 8th day of January, 2007;

IT IS HEREBY ORDERED that the action is **DISMISSED** due to Plaintiff's failure to state a claim upon which relief may be granted.

IT IS FURTHER ORDERED that the Clerk of Court mark this action as **CLOSED**.

IT IS FURTHER ORDERED that the Report and Recommendation (Doc. No. 6) of Magistrate Judge Lenihan, dated October 2, 2006, is adopted as the opinion of the court.

/s/ Joy Flowers Conti

Joy Flowers Conti

United States District Judge

cc: Lisa Pupo Lenihan
U.S. Magistrate Judge

Eddie Hunter
Beaver County Jail
6000 Woodlawn Boulevard
Aliquippa, PA 15001